

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOSEPH M. SHEFFIELD,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver for
FRANKLIN BANK, SSB, and
PRESTIGE TITLE CO., INC.,

Defendants.

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CIVIL ACTION NO.: _____

NOTICE OF REMOVAL

The Federal Deposit Insurance Corporation, as receiver for Franklin Bank, SSB, hereby files this notice of removal pursuant to 12 U.S.C. § 1819(b)(2)(B), and respectfully shows the Court the following:

1. The Federal Deposit Insurance Corporation (“FDIC”) is a corporation duly authorized and organized under the laws of the United States of America. 12 U.S.C. § 1811, *et seq.*

2. On September 8, 2006, *pro se* plaintiff filed his complaint against Franklin Bank, SSB and Prestige Title in the Circuit Court of Mobile County, Alabama, CV-06-3123, where such action presently is pending.

3. On November 7, 2008, the Texas Department of Savings and Mortgage Lending declared Franklin Bank, SSB insolvent, and appointed the FDIC as its Receiver, as evidenced by the Order of Closure, attached hereto as Exhibit A. The Order of Closure also tendered all assets

and affairs of Franklin Bank, SSB to the Receiver. The FDIC accepted the appointment as receiver pursuant to 12 U.S.C. § 1821(c)(3)(A) on November 7, 2008, as evidenced by the Letter of Acceptance, attached hereto as Exhibit B.

4. Pursuant to 12 U.S.C. § 1819(b)(2)(A), all suits of a civil nature to which the FDIC, in any capacity, is a party is deemed to arise under the laws of the United States, and the district courts have original jurisdiction thereof as provided under 28 U.S.C. § 1331.

5. As required under 28 U.S.C. § 1446(a), the FDIC is filing herewith, and attaching as Exhibit C, a copy of all pleadings, process, and orders filed to date in the referenced Mobile County, Alabama action. A copy of this Notice of Removal is being served on *pro se* plaintiff, and on counsel for Prestige Title, as set forth in the attached certificate of service, and being filed with the Clerk of the Circuit Court of Mobile County, Alabama. (*See* Notice of Filing Notice of Removal, attached hereto as Exhibit D).

WHEREFORE, the FDIC, as receiver for Franklin Bank, SSB respectfully requests that this Court take jurisdiction of this action and issue all necessary orders and processes to remove this action from the Circuit Court of Mobile County, Alabama to the United States District Court for the Southern District of Alabama, Southern Division.

Respectfully submitted,

/s/Kirkland E. Reid
Kirkland E. Reid (REIDK9451)
Attorney for Federal Deposit
Insurance Corporation, as Receiver
for Franklin Bank, SSB

OF COUNSEL:

JONES, WALKER, WAECHTER,
POITEVENT, CARRERE & DENEGRÉ, LLP
Post Office Box 46
Mobile, Alabama 36601
(251) 432-1414

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification to the below named counsel.

Chase R. Laurendine
P. O. Box 850817
5909 Airport Boulevard
Mobile, Alabama 36685
seachaseiv@micro-comm.com

The following party will be served via U.S. Mail, postage prepaid:

Joseph M. Sheffield
11835 Stringfellow Rd.
Grand Bay, AL 36541

/s/Kirkland E. Reid